IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.PADMANABHAN NAIR

MONDAY, THE 17TH DECEMBER 2007 / 26TH AGRAHAYANA 1929

MACA.No. 224 of 2003(Y)

OPMV.276/1998 of MOTOR ACCIDENT CLAIMS TRIBUNAL, THODUPUZHA

.....

APPELLANT/PETITIONER

SUSAMMA BALAKRISHNAN,
VETTATHUCHIRAYIL HOUSE, VATHIKUDY,
PADAMUGHAM P.O., IDUKKI DISTRICT.

BY ADV. SRI.JOHN VARGHESE
SRI.T.SAJI

RESPONDENTS: RESPONDENTS

----

1. SUNNY AUGUSTIE, VAZHAPARAMBIL HOUSE,
THALIYAKULAM, MANIYARAMKUDY P.O., IDUKKI.

(*) 2. P.C.NACHIMUTHU, C.R.NO.6/G,
PACHAGOUNDANPALAYAM, PERIYAVEERS SANGLI P.O.,
PERUNDURAI, TAMILNADU.

3. THE ORIENTAL INSURANCE COMPANY LIMITED
59 RAJA STREET, GOPICHETTIPALAYAM 688 476,
TAMILNADU.

4. K.M.POULOSE, KUTTIYANICKAL HOUSE,
KURIKKASSERY, PANAMKUTTY, IDUKKI DISTRICT.

5. M.S.MANOJ, MAKKUNNEL, ELAMDESOM P.O.,
THODUPUZHA.

6. UNITED INDIA INSURANCE COMPANY LIMITED,
DIVISIONAL OFFICE, MUVATTUPUZHA.

(*)NAME OF THE 2ND RESPONDENT IS DELETED FROM THE PARTY ARRAY AT THE RISK OF THE PETITIONER AS PER ORDER DATED 23.11.2007 IN IA NO.2712/2007.

R6 BY ADV. SRI.P.SANKARANKUTTY NAIR
R3 BY ADV. SRI.ANCHAL C.VIJAYAN

THIS MOTOR ACCIDENT CLAIMS APPEAL HAVING BEEN FINALLY HEARD ON ON 17/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K. PADMANABHAN NAIR, J.

==========

M.A.C.A. NO. 224 OF 2003

==========

Dated this the 17th day of December, 2007

J U D G M E N T

Admitted. Advocate Shri Anchal C.Vijayan takes notice for the third respondent. Advocate Shri Shri P.Sankarankuty Nair takes notice for the 6th respondent. Notice to respondents 1, 4 and 5 is dispensed with. Appeal itself is heard and disposed of.

2. Petitioner in O.P(MV) No.276 of 1998 on the file of the Motor Accidents Claims Tribunal, Thodopuzha, is the appellant. Petitioner sustained injuries in a motor vehicle accident. Tribunal awarded a sum of Rs.3,450/- as compensation. Complaining that the compensation awarded is inadequate, the petitioner himself had filed this appeal.

3. Petitioner was awarded Rs.2,000/- for pain and suffering, Rs.850/- for transportation to hospital, extra nourishment, damages to clothing, etc., Rs.100/- for treatment expenses and Rs.500/- for loss of income. After perusing the documents, I am of the view that the Tribunal ought to have

awarded Rs.3,500/- more as compensation for pain and suffering, etc. So, the appellant is entitled to an additional compensation of Rs.3,500/- which will carry interest at the rate of 6%.

In the result, the appeal is allowed in part. An award is passed in favour of the appellant allowing him to recover a further sum of Rs.3,500/- as additional compensation with 6% interest from the date of petition till date of deposit. Respondents 3 and 6 are directed to deposit the additional compensation also in equal proportion. On deposit, the appellant can withdraw the entire amount.

K. PADMANABHAN NAIR, JUDGE.

vsv

K. PADMANABHAN NAIR, J.

==========

M.F.A.

==========

J U D G M E N T

TH DECEMBER, 2007